

Code	Date of *Response	Question	Affected Regulation	Determina- tion	Discussion
PSD/4	5/76	What types of land use planning agencies must be conferred with under the new source review for PSD?	52.21(e) (1) (iii)	--	The intent of the June 12 modification was to include as a minimum those agencies with regulatory teeth. However, all agencies affected by PSD actions should be notified if possible.
PSD/5	7/9/76	<p>a) How does the PSD base- line apply to a source, which was permitted to burn 0.7% oil prior to January 1975 and then in June 1976 secured a regulatory change and revised permit to allow for 2.5% oil.</p> <p>b) A source operated at a reduced capacity and at a level of control better than that required by the SIP. Is the baseline figured at the SIP limit and for full, actual, or what capacity?</p> <p>c) In an area with an ambient SO<sub>2</sub> problem, can one source (A), not meeting BACT or RACT, erect a taller stack for a neighboring source (B) meeting BACT and/or RACT, in order to allow for a relaxed SIP regulation for source (A)? (A) and (B) contribute to an ambient violation.</p>	52.21	--	<p>a) This change would count against the increment</p> <p>b) The baseline is figured from the maximum emissions level that a source actually emitted during 1974.</p> <p>c) In order for a source to gain an air quality credit for erecting a tall stack, it must first apply BACT. Therefore, source B can erect a taller stack which may provide for a relaxation of the SIP as it applies to source A, but only after a rigorous control strategy demonstration shows that the relaxation of the standards does not interfere with the attainment and maintenance of NAAQS.</p>

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PSD/6	7/16/76	Can an agency approve all independent phases of a large PSD source if it chooses to do so for reasons of national or regional concern?		Conditional	At least two key factors should be considered in determining whether to issue a single permit for both initial and subsequent stages of construction. One is the degree of certainty over whether and when additional construction will proceed. Only where the applicant makes a strong showing that all phases will definitely be built on a fixed schedule should a multi-phased permit even be considered. The second key factor is the degree to which the separate facilities to be constructed in phases could stand independently of each other from a business view point. As a general rule, a permit should only cover construction commencing within 18 months of issuance.
PSD/7	8/25/76	A catalytic cracking unit is being moved from Canada to Region VI where it will be "re-erected" at an existing petroleum refinery. The installation work will begin after 6/1/75. Is this unit subject to PSD review?	52.21 (d) (1) (xi)	Conditional	If the catalytic cracking unit will increase SO <sub>2</sub> and/or particulate emissions from the refinery, then unless there was a binding contract for continuous on-site construction executed prior to 6/1/75, the "re-erection" commencing after that date would trigger the PSD review procedures. If work has begun and no permit has been granted, the owner or operator is in violation of an implementation plan and subject to enforcement under §113 of the Clean Air Act.

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PSD/12	12/1/76	Does the addition of a sulfur recovery unit to an existing source make the source subject to PSD?	§52.21(d)	Conditional	The addition of a sulfur recovery plant to an existing PSD source such as an oil refinery will act as a piece of control equipment and result in lower plant emissions. Thus, this addition would not be considered a modification to the existing source since no net increase in emissions has occurred. The review for PSD covers only those sulfur recovery plants associated with grass roots operations or expanded production capabilities of existing sources.
PSD/13	12/1/76	What is the intent of the PSD regulations concerning modifications (a) resulting in few additional emissions? (b) involving a peripheral rather than a major facility of a subject source?	- -	- -	(a) Strict interpretation of the PSD regulations subjects all modifications to review. Consideration is being given, however, to amend §52.21 establishing a quantitative limit. (b) The addition of peripheral facilities (e.g. a chemical plant at a petroleum refinery) to an existing PSD source is a modification and is subject to PSD if it would result in a net increase in source emissions. However, the proposed amendment discussed in (a) above will also apply here.

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PSD/14	12/1/76	Is it advisable to routinely specify the use of control equipment as BACT rather than defining an enforceable emission limit for the source?	52.21 (d)(2) (ii)	Conditional	Defining an emission limit is a much better and direct means of controlling source emissions. However, where it is extremely difficult to estimate and measure emissions from a source EPA can and should authorize or specify control techniques as BACT in these cases.
PSD/15	12/1/76	Do the following changes by existing or "grandfathered" sources affect the amount of PSD increment that is available for new subject sources? a) switching to higher sulfur content fuel b) increasing emissions beyond the maximum emissions of 1974 up to allowable SIP limit c) Increasing average and/or maximum production rate (without physical modification of the facility above 1974 production d) Plant shutdown i) temporary ii) permanent (source cannot legally resume its operation) e) Source cleanup via an established compliance schedule (since 1/1/75) f) source under construction which commenced construction prior to 1/75 g) Temporary emissions associated with source construction and portable facilities	--	consumption consumption consumption i) no effect ii) expansion expansion no effect no effect	

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PSD/16	12/1/76	For what reasons can the PSD permit be withheld? a) Analytical difficulties b) EIS c) pending reclassification		No No Yes	a) Limited time extension for final action provided in §52.21 (e) b) current PSD regulations do not allow for the interruption of the review process for this reason, but pending amendments would.
PSD/17	12/1/76	Can the Regional Administrator sign both the notice of delegation and change of address (rulemaking) for PSD delegations?		Yes	EPA order 1200.3A gives the authority for change of address to the RA and authority for delegation has also been delegated to the RA.
PSD/18	12/1/76	Do the PSD increments apply a) over plant property? b) over bodies of water? c) in fugitive dust areas? d) in non-attainment AQCR's?		Yes  Conditional Conditional	a&b) The review for PSD is appropriate for both plant property and adjacent bodies of water unless the general public is completely and effectively precluded from access to these areas. c) CPDD is developing specific guidance for resolving the fugitive dust issue including the NSR in these areas. d) PSD increments apply except in those portions of a non-attainment AQCR which are exempt for being pervasively above the SO <sub>2</sub> and/or TSP standards. This means about 750 of the land area (county basis) or 75% of the measurements representative of the area indicate ambient violations of the applicable standard. Also the state must notify WA that a certain area pervasively exceeds the standards.

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PSD/19	12/1/76	Can control greater than that suggested in the SSEIS (no existing NSPS) be advocated for BACT?		Yes	However, due consideration must be given to the SSEIS document and CPDD should be first contacted.
PSD/20	12/1/76	If only one facility is modified within a subject source, is the PSD review applicable for this facility alone or for all facilities within the source which are affected by the modification?			Under the current regulations only the facility modified is to be reviewed for BACT under PSD unless other facilities within the source have to be changed themselves (capacity, process) to accomplish the principal modification. However, the entire source should be analyzed for emission increases which would count against the applicable PSD increment.
PSD/21	12/17/76	A) One of three existing boilers at a Kraft pulp mill is to be replaced by a new boiler while the other two are to be modified to burn oil (that is, they are to cease burning bark). How do the PSD regulations apply?	52.21(b) (1) 52.21 (d) (1) (iii)	Conditional	A) The applicable source would be the existing Kraft pulp mill. Each of the boilers would be a facility within the source. (9) 52.21 (b) (1) states that a source is comprised of one or more pollutant emitting facilities). For the source to be subject to PSD, there must be a net increase in the emissions of SO <sub>2</sub> and/or PM resulting from the modification. The PSD regulations exclude, for review purposes, any increase resulting from a fuel switch. Therefore, the two boilers switching from bark to oil would not be included in any calculations to determine a net increase in emissions. If a net increase in emissions results from the addition of the new boiler in comparison with the boiler being shutdown, then the new boiler will be subject to the

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PSD/21 (cont.)					PSD requirements. The resulting BACT requirements (assuming the new boiler is subject to PSD) would only be applicable to that pollutant(s) for which there is an increase.
		B) Can EPA require BACT on a new facility being constructed at an old source?		Yes	B) Provided that there is a net increase of that pollutant at the source due to the modification and the existing source or new facility is one of the PSD 19.
		C) Can we require BACT for a new facility at an existing source if old facilities are closed down and the closures more than compensate for the new facility's emissions?		No	C) We cannot subject a source modification to PSD if there is no net increase of the applicable pollutant from the source.
		D) Can we require NSPS type limits through the PSD programs on boilers (not located at a steam electric plant) smaller than $250 \times 10^6$ BTU/hr? Further, can we require BACT on combination boilers at Kraft Pulp Mills.		Yes	
		E) Just how far can a source go toward construction without our approval? Three have contacted WA wanting to pour footings and begin work while waiting for completion of the review.		- -	PSD does not allow the source to begin any on-site construction prior to obtaining preconstruction approval. Pouring footings appears to be an obvious infraction of this requirement.

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PSD/22	12/22/76	May the PSD increments be influenced by improvements in AAQ brought about by tall stack construction on sources located in the area where the PSD candidate intends to locate?	52.21 (c) (2) (i)	--	Although the Agency's stack height increase guideline published in the Federal Register on 2/18/76, does not refer explicitly to the PSD increments, this guideline applies in a uniform manner, regardless of whether the NAAQS or the PSD increments are involved. Where PSD is concerned, only stack height increases completed after 1/1/75, are a potential issue. Since the PSD increments apply only to the air quality changes occurring after this date. For stack height increases begun prior to 2/8/74, unless the source has first applied BACT, credit may not be given for increases beyond two and one-half times the height of the facility serviced by the stack. For stack height increases begun after 2/8/74, sources must first apply BACT before any credit may be taken for the air quality impact brought about by the increase.
PSD/23	12/23/76	Is fuel switching subject to PSD review?	52.21	Conditional	The intent of the PSD regulation is to exclude the impact of fuel-switching in determining source applicability and to exclude BACT requirements on fuel switches except where the switch is an integral part of the plant action to expand its production. Fuel switching, however, can affect the ability for other changes proposed now or in the future for the same source to receive PSD approval. Any net increase in SO <sub>2</sub> or PM resulting from the fuel



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PSD/23 (cont.)					switch must be applied towards the applicable PSD increment(s), when considering the next applicant subject to PSD.
PSD/24	1/18/77	Is a gray iron foundry subject to PSD?	52.21(d)	No	A gray iron foundry is not to be considered as one of the nineteen source categories subject to 52.21(d) (i.e., it is not an iron and steel mill nor an integral part of one).
PSD/25	2/25/77	Do the PSD regulations apply to a source, not listed in 52.21(d) (1), if such source would violate a PSD increment?	52.21(d) (1)	No	A source of either SO <sub>2</sub> or PM which would cause the increment to be exceeded cannot be stopped under PSD if it is not one of the stated 19 categories.
PSD/26	3/9/77	If a source is planning to locate in an area that has been designated as pervasively exceeding NAAQS, must that source undergo PSD review?	52.21	Yes	Every source included in the nineteen listed must undergo review to assure that an air quality increment will not be violated in a location outside that area designated as pervasively exceeding NAAQS.
PSD/27	4/1/77	Is a source that reconstructs its equipment to such an extent so as to satisfy the reconstruction criteria in Part 60, but which does not increase its emissions subject to PSD?	52.21(d)	Yea	Since the source will undergo such significant reconstruction it will be considered a new source. Although there will be no increase in emissions, the regulations require that all new sources apply best available control technology. In this case it was the entire source which was reconstructed and not just a specific facility within the source.

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PSD/30	7/19/77	A) Is a petroleum refinery which constructs a new Fluid Catalytic Cracking Unit and a new 8,000 BPD MF Alkylation Unit, but does not increase its emissions subject to PSD?	52.21(d)	No	A) Since there will be no increase in emissions at the petroleum refinery, a modification has not occurred.
		B) Does the addition of a second Finish Mill to an existing Portland cement plant make that source subject to PSD?	52.21(d)	Conditional	B) The second Finish Mill will be subject to PSD if there is an increase in emissions from the stationary source (the Portland Cement Plant).
		C) Is an expansion at a petroleum refinery, which adds a catalytic reformer, a hydrodealkylation unit and a hydrogen purification unit subject to PSD?	52.21(d)	Conditional	C) Same as (b) above.
PSD/31	8/24/77	Can EPA after issuance of a PSD permit require a source to submit information so that EPA can review the final control device in order to verify the emission limit stated in the application, and upon review, disapprove the application if EPA determines the selected control device to be inadequate?	52.21(d) (2)	Yes	The PSD regulations in 40 CFR 52.21(d)(2) provide that an owner may not "commence" construction unless EPA determines, among other things, that the source will meet the BACT Emission limit.
PSD/33	9/9/77	Is an existing boiler (300 MM BTU/hr) which is modified to burn waste wood subject to PSD?	52.21(d)		Since this facility is not a part of a steam electric plant of more than 1000 MM BTU/hr heat input, it is not subject to PSD.

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PSD/36	11/2/77	Is a cement plant which ceases operation in 1972 and reopens in 1977 as a lime plant subject to PSD?	52.21(d)	Yes	PSD regulations require that all new <b>sources</b> and <b>modifications</b> occurring <b>since</b> the <b>baseline</b> year of 1974 be reviewed for consistency with <b>PSD</b> . Since this facility <b>was</b> not in operation <b>in</b> 1974, its baseline <b>must</b> be considered to <b>be</b> zero and its re-opening reviewed to <b>satisfy</b> the PSD requirements.
PSD/37	11/9/77	Can PSD approvals for <b>new sources using FGD systems</b> be conditioned to require a <b>contingency</b> plan for periods of <b>FGD malfunction</b> ?	---	No	Since the purpose of PSD and <b>SIP regulations is to attain</b> and maintain air quality, applicable <b>emission limitations must</b> be complied with at all <b>times</b> . Therefore it would not be appropriate to <b>include in a PSD permit, a specific exemption from the requirements during malfunction of the FGD system</b> . Rather, a notice of violation (NOV) should be issued and <b>the source allowed an opportunity to prove the violation was unavoidable. Based on the circumstances under which the excess emissions occurred and on any good faith effort by the source, the Region will decide whether or not further action by EPA is appropriate.</b>
PSD/37	(CONTINUED)				
PSD/39	1/27/78	A new boiler is installed to provide a supplementary steam supply for two existing boilers. Is the new boiler subject to PSD requirements?	52.21(d)	Yes	If <b>construction</b> of the new boiler commenced after <b>June 1, 1975</b> , it will be considered a <b>modification</b> of the existing steam electric plant and will be subject to <b>PSD requirements</b> . Should the boiler fail to obtain a <b>PSD permit</b> prior to <b>March 1, 1978</b> , and/or fail to <b>commence physical on-site construction</b> prior to <b>December 1, 1978</b> , it will be subject to the new PSD regula-

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PSD/41	2/13/78	Is a fossil-fuel steam generator (>1000 MM BTU/hour heat input) subject to the PSD regulations for "fossil-fuel fired steam electric plants" if only 20-25% of the steam generated is ultimately used to produce electric power?	§52.21 (d)	Yes	Such a source is subject to the 12/5/74 PSD regulations as a 1000 MM BTU/hour heat input fossil-fuel fired steam electric plant. If the plant falls to both obtain all final SIP preconstruction permits prior to March 1, 1978, and commence physical on-site construction prior to 9 months after the date of promulgation of the final regulations, it will be subject to the new PSD regulations proposed 11/3/77.

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PSD/42	3/1/78	Is the replacement of a few facilities within a source which causes a net decrease in emissions from the source as a whole, subject to PSD requirements?	§52.21 (d)	No	Under the 12/5/74 PSD regulations, a modification is subject to review only if a net increase in emissions results. An exception occurs when enough of a stationary source is replaced such that it constitutes a reconstruction and is, therefore, equivalent to a new source. The criteria for determining whether a reconstruction has taken place are established in 40 CFR 60.15. Under the new PSD regulations proposed November 3, 1977, the emissions resulting from a "major modification" will be subject to BACT review even though a net increase in emissions from the entire source does not occur. In such cases, an ambient air quality review will generally not be required.

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PSD/44	3/23/78	Is a new Fluid Catalytic Cracking Unit (FCCU) which replaces a Thermoform Catalytic Cracking Unit (TOCU) at a petroleum refinery, considered a new or a modified source? A net decrease in emissions will result.	52.21(d)	Modified	For purposes of PSD a "source" is the entire stationary source located at a given site. In this case the source is the petroleum refinery and the FCCU is a facility within that source. Since there will be no net increase in emissions, the addition of the FCCU will not be subject to PSD review under the 12/5/74 regulations. However, under the new regulations proposed 11/3/77, it will be subject to BACT unless it both 1) obtains all final SIP pre-construction permits prior to 3/1/78 and 2) begins physical on-site construction prior to 9 months after the date of promulgation of the final regulations. Air quality reviews will generally not be required.
PSD/45	3/30/78	Does PSD apply to a replacement coke oven battery that is serviced by an existing by-products plant, when a net increase in SO emissions will not occur?	§52.21(b)	Yes	Under the new PSD regulations proposed 11/3/77, a "major modification" will be subject to BACT review if it will have potential emissions of 100 tons or more per year, regardless of any net decrease in emissions which might result from replacement or elimination of any existing facilities.

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PSD/46	3/30/78	How do the PSD regulations apply to asphalt plants which are continually relocating?	§52.21(j)	- -	The latest draft of the PSD regulations (3/21/78) limit pre-construction review for temporary sources with 250 tons/yr. potential emissions to BACT and public participation. For such sources, EPA will attempt to expedite the public participation process, if possible, limiting it to 45 days. Please note this is only a draft of the final regulation and reliance on it should be minimized.

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SD/47	4/5/78	<p>a) Should emissions <b>from ships servicing</b> a petroleum refinery be considered in determining the impact of the refinery for PSD purposes? :</p> <p>b) What type of <b>en-</b>forceable requirements could be used to limit the <b>ships' emissions</b> while entering and leaving the port?</p> <p>c) Under the terms of <b>the</b> CAAA can foreign flag <b>ships</b> be exempted by a Governor's <b>request</b> as a source <b>outside</b> the U.S.?</p>	52.21'	Yea	<p>The PSD permit should contain requirements for controlling : emisaions from the ships en route to and from the refinery or the applicable SIP should be required to be revised to re-strict <b>emissions from</b> the ships.</p> <p>Requirements which could be used to limit emissions from the <b>ships</b> include emisaion limitations, and operating <b>and</b> design criteria <b>such as</b> sulfur in <b>fuel restrictions, speed</b> restrictions which may effec- tively limit fuel <b>consumption</b>, and any other requirement which could effectively limit the <b>emissions</b> in conformance with the PSD regulations.</p> <p>No</p> <p>The fact that a particular source is owned by a foreign <b>state</b> does not exempt its <b>emis-</b>sions from PSD review <b>if</b> the source is located within the territorial U.S.</p>
SD/48	4/10/78	<p>a) If a source shut down voluntarily two years ago and now <b>wishes</b> to reopen, will it be subject to PSD review?</p>			<p><b>Based</b> on the latest draft of the PSD amendmenta, the <b>source</b> would not be subject to PSD <b>as</b> long a3 1) the allowable <b>emis-</b>sion level as of the date of shut down does not increase upon reopening, 2) the source was actively maintained in the State emissions inventory.</p>

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SD/48 (cont)					<p><u>Update</u> - (Sept. 6, 1978)  A source which shuts down would, upon reopening, be considered a new source if the shutdown is precurrred to have been permanent. Whether a shutdown was permanent depends on the intention of the owner or operator at the time of the shutdown as determined by the surrounding facts and circumstances including the cause of the shutdown and the handling of the shutdown by the State. A shutdown lasting more than two years or resulting in removal of the source from the emissions inventory will be presumed to be permanent. The source may rebut this presumption.</p> <p>b) A Portland cement plant reconstructs one kiln and shuts down another. The net result of these modifications is a decrease in emissions. Is the rebuilt kiln subject to PSD review?</p> <p>According to the latest draft of the PSD regulations (as of 4/10/78), a modification which results in a net emissions decrease must apply BACT but will not be subject to an air quality review as long as air quality is not caused to deteriorate.</p> <p><u>Update</u> - The regulation8 promulgated 6/19/78 provide that modifications resulting in net emissions decreases are exempt from air quality review. In addition, a facility which is modified but not reconstructed will not be subject Co BACT review if a net decrease in emissions results. Note that this BACT exemption does not apply to reconstructed or replacement facilities.</p>



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PSD/50	4/24/78	Did 'the PSD <b>regulations promulgated 12/5/74</b> apply to a proposed coal <b>liquefaction</b> pilot plant which would be in operation for about <b>2 1/2 years?</b>	S52.21	No	<b>The</b> PSD regulations were not intended to cover temporary <b>emissions</b> although <b>this</b> source would fall into the category "fuel conversion plant". An enforceable requirement that would <b>ensure</b> operation of the plant <b>is</b> temporary <b>should</b> be included as a requirement of the State operating permit or an amendment to the State <b>construction</b> permit, if <b>possible</b> . If the source operates longer than two <b>years</b> or expands operation, <b>it</b> may become subject to PSD review.
PSD/51	5/1/78	Does the Clean Air Act <b>as</b> amended <b>8/77</b> require PSD review <b>of</b> hydrogen sulfide <b>emissions</b> from new geothermal power <b>plants?</b>	S52.21	Yes	<b>New</b> geothermal power <b>plants</b> are subject <b>to</b> PSD review if they have the potential to emit 100 tone or more/year of <b>hydrogen</b> sulfide or any other <b>pollutant</b> regulated under the Clean Air Act.
PSD/52	6/1/78	a) When a <b>new</b> source incorporates one or more existing <b>facilities</b> , <b>should</b> the <b>emission</b> from <b>those facilities</b> be <b>considered</b> when calculating potential <b>new emissions?</b>	<b>S52.21</b>	No	If the <b>emissions</b> from the <b>existing</b> facilities were allowed <b>as</b> of August 7, 1977, under the applicable SIP they will not <b>constitute</b> new <b>emission</b> from that <b>site</b> . Therefore, they should not <b>be included</b> when <b>calculating</b> potential new <b>emissions</b> .

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PSD/52 (cont.)	..	b) If existing <b>facili-</b> ties are moved to a new location to be incor- porated as part of a new source, should <b>emissions from</b> those <b>facilities</b> be con- sidered when <b>calcula-</b> ting potential emission8 of the new source?	s52.21	Yes	Existing facilities which are moved to a new location, even within the same <b>airshed</b> will be considered new <b>facilities</b> at the new site. Emissions from these facilities should be considered when calculating the potential emissions from the new source into which they are incorporated.
		c) If a company incorporates an <b>existing</b> boiler into a new <b>source</b> (same location) what will be the PSD implication?	s52.21		Emissions from the boiler will not be considered when calcula- ting the potential emiseions from the new <b>source</b> . If the boiler <b>emissions</b> increase above the baseline level (actual <b>emis-</b> <b>sions</b> as of <b>8/7/77</b> , increment will be consumed. If boiler emissions increase by <b>100/250</b> <b>tons/yr.</b> above the baseline level, a "major modification" will have taken place and PSD review will be required.
		d) If a new topping plant is added to an existing petroleum <b>storage</b> plant, does this oonetitute a <b>petroleum refinery</b> , a modified <b>petroleum</b> storage plant, or <b>some</b> combination of the two?	S52.21		The draft PSD regulations define source as "any structure, build- ing, facility, equipment, in- stallation or operation ( or combination thereof) which is located on ono or more contig- uous or adjacent properties and which <b>is</b> owned by the <b>same</b> person (or by <b>persons</b> under common control). The etorage plant with <b>associated topping</b> plant should be viewed as a <b>single</b> source, a <b>petroleum</b> refinery.

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<b>PSD/52</b> (cont.)		e) Could an Administrative Consent Order issued to resolve a violation by a source for <b>commencing construction</b> without a PSD permit serve as a substitute for a PSD permit?	S52.21		Such an Order may <b>serve as</b> a PSD permit if it <b>is</b> clearly labeled as such and if it meets all applicable procedural requirements.
<b>PSD/53</b>	<b>6/12/78</b>	a) What <b>is</b> the potential <b>emission</b> cutoff for determining applicability of the PSD <b>regulations</b> to new coal-fired boilers installed at an existing textile mill?	<b>\$52.21</b>		The latest draft of the PSD <b>regulations</b> defines sources as "any structure building, facility, equipment, <b>installation</b> or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned by the same person (or by persons under common control). The <b>source</b> category in this case is a textile mill and construction of two new boilers constitutes a modification of that source. The boilers are <b>subject</b> to PSD review if potential <b>emissions</b> are <b>&gt;</b> 250 tons/year of any <b>particular</b> pollutant regulated under the Clean Air Act.
<b>PSD/55</b>	<b>6/28/78</b>	A steel mill plans to modify some of its coke batteries <b>such</b> that a net <b>decrease</b> in emissions from the mill will occur. If the owner/operator 1) obtained a <b>SIP</b> permit prior to <b>3/1/78</b> and (2) commences construction prior to <b>3/19/79</b> , will the <b>modification</b> be <b>subject</b> to PSD review?	S52.21	No	Since no net increase in <b>emissions</b> would occur from the source (steel mill) the <b>modifications</b> would not have been subject to the old PSD <b>regulations</b> promulgated <b>12/5/74</b> . According to <b>\$52.21 (1) (3)</b> of the regulations promulgated <b>6/19/78</b> , a source which was not <b>subject to the old</b> regulations will be exempt from the new PSD requirements. If <b>(1)</b> all required SIP permits are obtained before <b>3/1/78</b> and (2) <b>construction is</b> commenced prior to <b>3/19/79</b> .

code	Date of Response	Question	Affected Regulation	Determi- nation	Discussion
PSD/57	7/5/78	Mantua Terminals operates a large petrochemical terminal, where VCH is unloaded from barges using a standard enclosed vapor return system. Mantua proposes to then load the empty VCH barges with gasoline, yielding a potential VCH emission of 89 tons/year. Do the PSD regulations apply to this situation?	52.21,	MO	Under PSD a permit was issued covering Mantua's new refinery and associated storage and transfer facilities. The only modification since the issuance of the permit would be the loading of gasoline into vinyl chloride vapor-containing barges. The potential increase in emission amounts to less than 100 tons/year, and is not now subject to PSD pre-construction review.
SD/61	7/28/78	(a) When is a source (In this case Alabama By-Products Corp.) required to undergo review for both offsets and PSD?	52.21, 51.18		The offset policy affects sources constructing in or impacting non-attainment areas, and PSD governs attainment areas. Since Alabama Dy-Products Corp. (ABC) impacts an area in attainment for SO <sub>2</sub> and non-attainment for particulate matter, ABC coke battery 14 must undergo both a PSD review for SO <sub>2</sub> and an offsets review for particulates.

Code	Date of, Response	Question	Affected Regulation	Determina- tion	Discussion
PSD/62	8/10/78	(a) With respect to 40 CFR 52.21 (b) (17) <b>Reconstruction</b> , what will constitute <b>facility</b> and <b>source</b> with respect to <b>charcoal kilns</b> ?	52.21		The entire charcoal plant, including all structures, buildings and facilities located at the site, will be <b>considered</b> a <b>source</b> . Each individual kiln <b>is</b> considered a facility.
		(b) In determining whether a charcoal kiln has been reconstructed, should the fixed capital cost of <b>the</b> new components be compared with the fixed capital cost of an entire new charcoal production plant?		No	In determining whether a facility (e.g. kiln) <b>is</b> reconstructed, the fixed capital cost of the new components of the facility should be compared to the fixed capital cost of a new <u>facility</u> (kiln).
		(c) <b>If</b> five charcoal kilns, each with the potential to emit 25 tons/year of a pollutant, <b>are reconstructed</b> at a plant, are these reconstructed kilns <b>subject</b> to PSD <b>review</b> ? (For each <b>kiln</b> , the <b>fixed</b> capital cost of the new components exceeds <b>50%</b> of the <b>cost</b> of a new kiln.)		Yes	The <b>reconstructed kilns</b> are considered to be new <b>facilities</b> at the charcoal plant and the <b>addition</b> (reconstruction) of <b>the</b> five new <b>kilns</b> <b>constitutes</b> a major modification of the stationary <b>source</b> (potential new emissions of 125 tons/yr).

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
PSD/62 (cont.)		(d) Are reconstruction costs to be cumulative? That is, when the cumulative cost of reconstruction commenced since the effective date of the PSD regulation is greater than 50% of the fixed capital cost of the source, does reconstruction become subject to PSD?		Yes	When the fixed cost of new components for a facility or source accumulate to more than 50% of the fixed cost of a new facility or source, a reconstruction under PSD has occurred. Reconstruction costs will begin accumulating on the effective date of the PSD regulation or the date of the last PSD permit issued for the construction or reconstruction whichever time is more recent,
		(e) Is a replacement facility with potential emissions of 100/250 tons or more per year subject to PSD review, if a net reduction in emissions occur plant-wide?		Yes	A replacement facility with potential emissions of 100/250 tons or more per year is subject to PSD review, regardless of whether a net reduction in emissions will occur plant wide.

Code	Date of Response	Question	Affected Regulation	Determination	Discussion
PSD/64	8/18/78	(a) Are <b>additional</b> permits required when asphalt batch plants relocate?	52.21	N o	<p>The regulations allow for a <b>one-time permit</b> for <b>asphalt batch plants</b> without requiring additional permits for <b>relocations as long as</b> for each relocation,</p> <p>i. emissions from the <b>facility</b> would not <b>exceed</b> allowable <b>emissions</b>,</p> <p>ii. emissions from the facility would <b>impact</b> no <b>Class I</b> area and no <b>area</b> where an applicable increment <b>is known to be</b> violated, and</p> <p>iii. notice of the <b>relocation is</b> provided to the Administrator at least 30 <b>days</b> in advance.</p>
		(b) What does the PSD <b>review</b> consist of, for <b>sources</b> with allowable <b>emissions less</b> than the <b>cutoffs</b> of 50 tons per year, 1000 <b>pounds</b> per day, or 100 <b>pounds</b> per hour?			<p>The review would <b>consist</b> of a determination that</p> <p>i. the <b>emissions</b> from the <b>source</b> would not adversely impact area6 with known violations of the <b>applicable</b> PSD <b>increment</b> or any <b>Class I</b> area,</p> <p>ii. a valid <b>state</b> new <b>source</b> review permit had been obtained, and</p> <p>iii. there <b>was</b> adequate opportunity for public comment on the <b>proposed</b> new source..</p>
PSD/64	(cont.)				

code	Date of Response	Question	Affected Regulation	Determination	Discussion
PSD/68	9/29/78	<p>(a) Under what circumstance<sup>5</sup> may a <b>BACT</b> exemption be granted to a modification at the source?</p> <p>(b) Which PSD requirements apply to temporary asphalt batching <b>plants</b> that apply BACT <b>as</b> a <b>state</b> requirement?</p>	52.21(j)		<p>Where a facility within a <b>source is reconstructed</b> or replaced or where a facility <b>is added</b>, the <b>BACT</b> exemption in 52.21 (J)(4) is not available, regardless of any accompanying <b>emissions</b> decrease. The only instance <b>in which</b> the exemption <b>applies is</b> where an existing <b>facility is</b> modified and the modification <b>does not</b> constitute a reconetruction.</p> <p>The aephalt batching plants would initially be required. to obtain a PSD permit, <b>since</b> state requirements for DACT does not exempt a source <b>from the</b> requirements .to obtain a PSD permit. The temporary batching plant need only undergo PSI, review once <b>as</b> long <b>as</b> the conditions <b>stated</b> in <b>response PSD/64</b> are <b>met</b>.</p>
PSD/69	9/29/78	Would <b>modifications which</b> were <b>individually less than 100 tonsper year potential emis-</b> sions and which were made to	52.21	No	Such <b>modifications con-</b> tribute to the PSD baseline air quality; <b>as</b> opposed to <b>consuming</b> increment. Any <b>modifi-</b> cation which would be



Code	Date of Response	Question	Affected Regulation	Determination	Discussion
PSD/69 (cont.)		a major source between 1/6/75 and 8/7/77, cumulatively count against the PSD increment?			individually, a major modification, consumed increment if the modification occurred after 1/6/75.
SD/70	10/3/78	Would replacing an old heater with a new heater at a petrochemical plant be considered a routine replacement and, therefore, exempt from PSD review according to Section 52.21(b) (2) (1) ?	52.21 (b)(2) (1)	No	Routine replacement means the routine replacement of part's, within the limitations of reconstruction, and would not include the replacement of an entire facility (i.e., an old heater, at a petrochemical plant, which has ended its normal useful life.)
SD/71	10/4/78	Under Section 52.21 (1) (5) what sources are exempt from PSD review?	52.21(1) (5)		An exemption is provided from PSD review to sources which are subject to the emission offset ruling and would impact no area attaining the NAAQS. The non-attainment requirements would impose emission limitations reflecting the lowest achievable emission rate (LAER), which is more stringent than DACT. Sources which would impact clean air areas are not exempted from PSD review requirements. Any major modification with potential

Code	Date of Response	Question	Affected Regulation	Determin- ation	Discussion
PSD/71 (cont.)					emissions $\geq$ 100/250 tons/year which would impact a clean area, regardless of any accompanying emissions reduction at the source, requires PSD review. A source subject to the offset policy as well as PSD, which does not result in a net emissions increase and which applies LAER, need satisfy only the public participation requirements to obtain a PSD permit.
PSD/72	10/5/78	See PSD/62 for identical question and response			
PSD/73	10/10/78	<p>A source is proposing construction of a facility which requires a PSD permit and the facility is to be built and/or housed in a building with a related but independent facility which does not require a PSD permit, what portion of the building can legally be constructed prior to issuance of the PSD permit?</p>	52.21		<p>A structure which is to house independent facilities, some of which are subject to PSD and some of which are not, may be constructed before a PSD permit is issued only if the building is a necessary part of the PSD-exempt project and if it is in no way modified to specifically accommodate the PSD-affected facilities. The MATEP</p>

Code	Date of Response	Question	Affected Regulation	Determina- tion	Discussion
PSD/73 (cont.)					project involve5 the conetruction of steam boilers, exempt from PSD requirements, and diesel engines, subject to the PSD requirements. The boilers and <b>engines</b> are to be <b>housed</b> in the <b>same</b> building. <b>MATEP</b> . . may begin conetruction on the building before the PSD permit is issued <b>as long</b> as the drains, <b>pipng</b> , footing5 for the diesel and any other installation <b>necessary</b> to <b>accommodate</b> the diesels are not installed until the permit is <b>issued</b> .
PSD/74	10/26/78	15 it appropriate to <b>issue</b> a PSD permit to a <b>steam generator</b> conditioned such that <b>BACT</b> for the control of NO <sub>x</sub> emissions would be specified <b>just</b> prior to the commencement of <b>construction</b> rather than at the time of permit <b>issuance?</b>	52. 21	Condi- tional	There are two <b>alternatives</b> available for <b>addressing</b> BACT in <b>this</b> case. (1) If the <b>source</b> agrees, a PSD permit <b>may</b> be <b>issued</b> without specifying BACT. The permit would contain a <b>provision</b> <b>allowing</b> EPA to <b>specify</b> BACT prior to commencement of construction of the source. The source must agree, since the

Code	Date of Response	Question	Affected Regulation	Determi- nation	Discussion
PSD/74 (cont.)		It is expected that teclinology emerging within the next few months will result in far more effective NO, control.			<p>PSD regulations <b>con-</b> template requiring DACT which is current at the time. <u>the permit</u> <u>is issued.</u></p> <p>(2) If the <b>source</b> does not agree to a condi- tional permit, currently. available BACT must be specified at the time the permit is issued. That BACT determination cannot be revised to reflect new teohnology <b>as long as</b> the permit remains <b>valid.</b></p> <p><b>Please</b> note. that in the case of <b>phased</b> construc- tion projects, the Administrator does intend to condition permits <b>such</b> that <b>DACT</b> for later construction <b>phases</b> may be <b>reassessed</b> if necessary: With <b>phased</b> construction projects there is often a long <b>time</b> span between issuance of the <b>permit</b> and <b>construction</b> of later <b>phases</b>. See 43 <b>FR</b> 26396, June 19, 197a.</p>

Ref.	Q u e s t i o n	Affected Regs	Determ.	Discussion
PSD/75 10/31/78	On August 18, 1978, the Pittston Co. received a PSD permit to construct a refinery and marine terminal. Would EPA agree that Pittston need commence construction no earlier than 18 months from permit issuance, that is, no earlier than Feb. 18, 19801	52.21(1)(4)	N o	Sections 52.21(1)(2)(4), when read together, require a permittee under 52.21(1)(4) to commence construction within the same amount of time that would be the case for a person issued the permit just before March 1, i.e., within one year and 18 days from permit issuance. In the case of Pittston, construction must commence on or before September 5, 1999.
PSD/76 11/15/78	a) Does a major source which (1) has allowable emission6 equal to or greater than 100 tons/year, and is therefore subject to the Emission Offset Ruling (44 FR 3274), and (2) would impact no clean areas require PSD review?	52.21	Cond.	Such a source need not obtain a PSD permit if it has demonstrated that no clean area will be impacted and if the determination of no clean area impact has been subject to public review in accordance with 52.21(r).
	b) Does §52.21(1)(5) exempt a source which, with respect to a particular pollutant, would affect only dlrrty areas but would not be subject to the Offset Policy because its allowable emissions were less than 100 tons/year?	52.21(1)(5)	N o	Section 52.21(1)(5) exempts only sources which are subject to the more stringent requirements of the Interpretative Ruling. <u>Update:</u> The Interpretative Ruling was amended 1/16/79, and now applies to sources with potential emissions of 100 tons or more per year. It is no longer possible for a source to have an emission level which is above the PSD cutoff but below the IR cutoff.

Ref.	Question	Affected Regs	De term.	Discuss ion
PSD 76 (cont. )	c) Would a source which has allowable emissions less than 100 tons per year and which impacts a dirty air area, be required to "offset" its impact on the dirty area?	52.21(1)	No	<p>The Interpretative Ruling require8 offsets only for sources with allowable emis-sions of <u>≥</u> 100 tons per year. It considers the impact of smaller sources on nonattain-ment areas to be insignificant. To require offsets for smaller sources for PSD purposes would be in effect to amend the In-terpretative Ruling which we clearly did not intend.</p> <p><u>Update:</u> The Interpretative <del>Ruling</del> was amended 1/16/79 and now requires offset for sources with potential emissions of 100 tons or more per year and allowable emissions of more than 50 tons per year. An effect of the amendment is that this quest ion can no longer arise.</p>
	d) When a source is subject to both the offset policy and the PSD requirements with respect to a particu-lar pollutant, must the source obtain a new source review permit before a PSD permit can be issued?		Yes	<p>Such a permit is necessary in order to demonstrate, for PSD, purposes, that the source meets all applicable legal require-ments relating to the non-attainment area or areas it would affect.</p>

Ref.	Question	Affected Reqs.	Determ.	Discussion
PSD/77 11/22/78	Would EPA apply the new regulations of <b>6/19/78</b> to a modification which was not subject to the old <b>regulations</b> ; began construction prior to <b>11/77</b> ; and failed to obtain its state permit by <b>3/1/78</b> ?	<b>52.21(1)(3)</b>	<b>Yes</b>	EPA intended that a <b>modification</b> escaping the old regulation <sup>8</sup> could escape the new ones only if, among other things, <b>it</b> had received any permit the SIP required by <b>3/1/78</b> . The SIP permit requirement cannot be waived, even for a modification on which construction began before <b>11/77</b> .
PSD/78 11/29/78	<p>a) Must any asphalt <b>hot-mix</b> plant meeting the requirements of the 'SIP' &amp; NSPS, and not impacting on a Class I or an area where a known violation of an applicable increment exists, undergo <b>a full</b> PSD review?</p> <p>b) What is considered to be a "safe" distance from a Class <b>I</b> area?</p>	52.21(k)&(j)	<b>Condi- tional</b>	<p>A hot-mix asphalt plant is subject to full PSD review unless an exemption from BACT review and/or the air quality impact review requirements is obtained under <b>§52.21(j)(4)</b>, or <b>§52.21(k)(1)</b>.</p> <p><b>EPA does</b> not have a policy of establishing specific <b>"safe"</b> distances. Sources <b>can</b> estimate their <b>emissions impact</b> by the desk-top calculations <b>shown in Guidelines for Air Quality Maintenance Planning and Analyses, Volume 10 (Revised): Procedures for Evaluating Air Quality Impacts of New Stationary Sources, EPA-450/4-77-001 (U.S. EPA, Library Service Office, Research Triangle Park, NC 27711)</b>.</p>

<b>Ref.</b>	<b>Question</b>	<b>Affected Rege</b>	<b>Determ.</b>	<b>Discussion</b>
PSD/78 (cont. )	c) Is a PSD review required of a source that impacts a non-attainment as well as an attainment area?			See PSD/76
	d) Is the application of LAER or BACT required under any circumstances and in any designated area?			<p>BACT applies to all 100/250 ton (potential emissions) sources (including asphalt plants) with allowable emission levels greater than 50 tons/year, 1,000 lbs./day or 100 lbs./hour. An exemption from this requirement is available where a facility is revamped and no net increase in emissions would occur from the source.</p> <p>The Interpretative Ruling applies LAER to sources with potential emission8 of 100 tons or more per year and allowable emissions of 50 tons or more per year. (as of 1/16/79)</p>
	e) What is the definition of a known violation of an applicable increment?	52.21(c)		<p>A violation of an ambient air quality increment occurs when the increase in pollutant concentration over the baseline level exceeds the increment allowed under 52.21(c). Baseline is defined in 52.21(b)(11) and reflects actual air quality as of R/7/77. Allowable emissions of major sources permitted since 1/6/75 and minor sources constructed after 8/7/77 consume increment .</p>



Ref.	Question	Affected Reqs	Determ.	Discussion
PSD/78 (con't)	f) How are emissions for a hot-mix asphalt plant calculated?			Annual potential emissions are based on the maximum annual rated capacity of the plant, unless the plant is subject to enforceable permit conditions limiting the annual hours of operation.
	g) Is it necessary that a State permit for a 50-ton source be granted before a PSD application can be submitted?		No	The reviews for State and PSD permits should proceed concurrently. A State permit must be issued before a PSD permit only in cases where the source is required to obtain offsets.
	h) Which pollutants are covered by PSD and non-attainment review, and how are they applied?			Although PSD increments have been established only for sulfur dioxide and particulates, the PSD regulations apply to all pollutants which are regulated under the Clean Air Act. (Currently: SO <sub>2</sub> , TSP, NO <sub>x</sub> , CO, hydrocarbons, asbestos, beryllium, fluorides, H <sub>2</sub> S, lead, mercury, reduced sulfur compounds- I <sub>2</sub> S, carbonyl sulfide and carbon disulfide, sulfuric acid mist, vinyl chloride, and total reduced sulfur-H <sub>2</sub> S, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide). Regulated pollutants other than SO <sub>2</sub> and particulate matter are subject to all PSD requirements (including PACT) except the analyses for increment and NAAQS impact. The emission offset policy applies to the criteria pollutants TSP, SO <sub>2</sub> , NO <sub>x</sub> , CO, and hydrocarbons.

Ref.	Question	Affected Regs	Determ.	Discussion
PSD/78(h) (cont.)				While the offset ruling technically does not apply to new sources of lead emissions which would violate the NAAQS for lead, such sources will be required to abate emissions after construction if necessary to attain and maintain the lead standard.
	i) Is an asphalt hot-mix plant exempt from PSD review if it can prove that potential emissions are less than 250 tons/year?		Yes	If potential emissions from an asphalt hot-mix plant are less than 250 tons/year, the plant is not subject to PSD review.
	j) Does "providing an opportunity for a public hearing" mean that a public hearing must actually be held?	52.21(r)(2)(v)	No	Under 52.21(r)(2)(v), it is stated that only an opportunity for a public hearing must be provided.
	k) Must an asphalt hot-mix plant undergo PSD review every time it relocate?		Conditional	According to 52.21(i)(7), a portable facility which has received a PSD permit meeting the requirements of the new regulation may relocate without undergoing additional PSD review, provided the following conditions are met:  1) emissions from the facility would not exceed allowable emission

Ref.	Question	Affected Regs	De term.	Discuss ion
PSD/78 (cont.)				<p>ii) emissions from the facility would impact no Class I area and no area where an applicable increment is known to be violated; and</p> <p>iii) Notice is given to the Administrator at least 30 days prior to such relocation identifying the proposed new location and the probable duration of operation at such location.</p>
PSD/79 12/11/78	<p>Will consumption of the applicable PSD increment result from the increased utilization of existing recovery boiler capacity at an expanded kraft pulp mill? The boilers are permitted (by the State) at the maximum design capacity. The expansion involves installation of new digesters and qualifies as a major modification.</p>	52.21	Yes	<p>The increase in emissions which results from the increased utilization of existing recovery boiler capacity is not included as part of the baseline but rather, consumes the available PSD increment. The preamble to the PSD regulations (43 FR 26400) states that increases in capacity utilization, as well as increases in hours of operation, should be included in the baseline only if:</p> <ol style="list-style-type: none"> <li>1) The increased emissions were allowed to the source as of 8/7/77, and</li> <li>2) the source could reasonably have been expected to make these increases on 8/7/77.</li> </ol>

Ref.	Question	Affected Regs	Dcterm.	Discuss ion
PSD/79 (cont.)				As a general rule, when a major modification is necessary to bring about an increase in hours of operation or in capacity utilization, it is assumed that the resulting increased emissions could not reasonably have been expected to occur as of 8/7/77. The kraft pulp mill has not met condition 2 above since the existing recovery boilers can operate at full capacity only after a major modification, the addition of new digesters, occurs.
PSD/80 12/11/78	Should construction-related emissions be considered in determining whether a source is required to, undergo second-tier review?	52.21	NO	Potential as well as allowable emissions estimates for a source should be calculated without taking into account any emissions which result from construction of the source. Then, if the source is determined to be subject to 2-tier PSD review on the basis of its operating emissions, any emissions resulting from construction of the source should be subject to BACT. The construction of a building or other structure which is not a major stationary source or major modification should not come under PSD review regardless of the magnitude of the expected emissions from the construction project.

Ref.	Question	Affected Regs	De term.	Discussion
PSD/84 3/26/79	a) The Public Service Electric & Gas Company (Bergen Station) would like to supplement the the use of its normal fuel (No. 6 oil) with a powdered refuse-derived fuel, Eco-Fuel 11. This will be for an experimental 90 day period. No changes will be made to the boiler to accommodate this fuel. Does the switch to Eco-Fuel constitute a major modification?	52.21(b)(2) (ii)(d)	Conditional	The Bergen Station is eligible for the exemption in 40 CFR(b)(2)(ii)(d) since it could accommodate this alternative fuel prior to 1/6/75. If, however, Bergen Station was precluded from using this alternative fuel by some previously enforceable permit condition, then the switch would constitute a modification.

Ref.	Question	Affected Regs	De term.	Discussion
PSD/84 (cont.)	b) If the Bergen Station qualifies for the exemption, must EPA require a PSD permit for the silo and pneumatic conveyor system which will be constructed to carry out the experimental phase?		Conditional	A PSD permit would be required if the combined potential emissions from the silo and pneumatic conveyor system exceed 100 tons per year for any pollutant.
	c) If this experimental phase is not exempt from PSD requirements, to what extent may EPA consider the duration, experimental nature, and possible energy savings of the use of Eco-Fuel in determining DACT?			All such factors will be given consideration in any BACT analyses. The weight accorded each factor will be based on the relevant facts in the case.
	d) What types of modification may a source make to facilitate a fuel conversion and yet still qualify for the exemption for sources "capable of accommodating such fuel" prior to 1/6/75?			Generally the exemption in 40 CFR 52.21(b)(2)(11)(d) pertains only to the boiler, steam generator, or other process equipment which directly utilizes the fuel or raw material. This means that any increased emissions from a boiler which could burn coal but for which there were no coal handling facilities would qualify under this exemption. However, please note that the coal handling facilities' (or any other new equipment) could qualify for a modification based on its own potential to emit 100 (250) tons or more per year.

Ref.	Question	Affected Reqs	Determ.	Discussion
PSD/85 3/26/79	Does the Consolidated Edison Company's proposed switch from .3% sulfur oil to 1.5% sulfur oil constitute a "major modification" for purpose of PSD?	52.21	No	An increase in the sulfur content of a particular fuel burned at a source does not constitute use of an "alternative" fuel; is not considered a change in the method of operating; and hence does not constitute a major modification.
PSD/86 4/16/79	Is a fuel switch from natural gas to a vaporized mixture of two-thirds distillate fuel oil and one-third fuel gas exempt from the definition of major modification based on the fact that the boilers have been capable of accommodating this fuel all along? The conversion involves two 300 million Btu/hour boilers and will require installation of an oil-fired vaporizer.	52.21(b) (2)(ii)(d)	Yes	<p>Since the boilers can switch from gas to vaporized oil without making any modifications to the boilers themselves, they are considered to have been capable of burning oil prior to 1/6/75. Therefore, increased boiler emissions will not be subject to PSD review, but will consume increment.</p> <p>In addition to the increased boiler emissions there will be some direct emissions from the firing of the new vaporizer. Should the (direct) potential emission from the vaporizer amount to 100 tons or more of a regulated pollutant per year, a PSD review would be necessary.</p>

Ref.	Question	Affected Reqs	De term.	Discussion
PSD/87 4/12/79	A new docking facility is built which will handle shipments of crude oil. Are emissions from ships which service the dock to be considered primary or secondary emissions?	S52.21	Conditional	<p>If a facility is directly involved with the operation of a PSD-affected source, the emissions from that facility are primary. On the other hand, if the emissions are associated with but not directly involved in the operation of the source, they are secondary. An example of secondary emissions from a PSD-affected docking facility would be the emissions which result from the ballasting of ships servicing the dock. This does not mean that all ship emissions are necessarily secondary to the operations taking place on the dock. On the contrary, any ship emissions which result from the unloading of the ships are directly involved in dock operations and therefore are considered primary. Emissions from ships boilers, to the extent the boilers are operated for the purpose of unloading oil, are primary emissions. See 44 FR 3281, 1/16/79 for a discussion of EPA's secondary emission policy.</p> <p>NOTE: This determination has since been overruled. OGC will be issuing an explanatory memo.</p>

PSD/88  
4/12/79

If an electric power plant begins construction prior to 6/1/75 but then discontinues construction for more than 18 months is that power plant subject to PSD review.

\$52.21(b)(8) Yes

The original PSD regulations (December 5, 1974) define the term "commenced" to mean that "an owner or operator has undertaken a continuous program of construction..." As a matter of policy, we established that a construction program which was interrupted for a



Ref.	Quest ion	Affected Rege	De term.	Discussion
PSD/88 (cont. )				<p>period of 18 months or more had not "commenced" accord ing to the definition in §52.21(b)(7). There-fore, the electric utility in question was subject to the old PSD regulations because it dld not commence construction before 6/1/75.</p> <p>Since the utility was subject to the old PSD regulations and failed to get a PSD permit by 3/1/78, it is now subject to the new regulations. See 43 FR 26406, §52.21(1)(2), 6/19/78.</p>
PSD/89 4/12/79	a) Does the addition of a sulfur recovery plant constitute the modification of a petroleum refinery?	• §52.21(b)(2)	Yea	<p>Al though PSD/12 stated that the addition of a sulfur recovery plant would not be subject to PSD, that determination was made under the old regulations. And under the old regulations a modification occurred only if there was a net Increase in emissions on a source-wide' basis.</p> <p>The new regulations however, define the term 'major modifica-tion' such that the regulation8 apply to a sulfur recovery unit if the potential emissions from the unit will amount to 100 tons/year of a regulated pollutant. The potential emissions of the unit are calculated without considering any emission reductions which would occur simultaneously.</p>

Ref.	Question	Affected Regs	De term.	Discussion
PSD/89 (cont.)	b) For purposes of determining whether a sulfur recovery plant has been reconstructed, what components are considered to be part of it?	S52.21		<p>Furthermore, Congress specifically stated in §169(1) of the Clean Air Act that sulfur recovery plants were air pollution sources intended to be covered under PSD.</p> <p>The sulfur recovery plant is comprised by the Claus unit and any units downstream of the Claus.</p>
PSD/90 5/11/79	If a facility which is in one of the 28 listed source categories locates at a source which is not in one of the 20 categories, does the 100 ton or the 250 ton/yr potential emission cutoff apply?	S52.21	the 250 ton/yr. cutoff	<p>"Source" is defined in the PSD regulations as "any structure, building, facility, equipment, installation, or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control)". Using the example of a textile mill which will be modified by the addition of a 250 mm Btu/hr boiler, the textile mill would be considered the "source", according to the definition above. Since textile mills are not one of the 28 listed categories, the 250 ton limit would apply. In order for the addition of the boiler to be considered a "major modification" the boiler would have to have potential emissions of 250 tons/year.</p>

Ref.	Question	Affected Regs	Determ.	Discussion
PSD/92 6/6/79	Should a <b>drift</b> eliminator be considered an integral part of a natural draft cooling tower or should it be considered, an air pollution control device? The purpose of the drift eliminator is to reduce evaporative water losses from the cooling tower, but it is also effective in reducing salt (particulate ) emissions.	52.21		The PSD regulations define "air pollution control equipment" as equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Since the drift eliminator is not essential to the operation of the cooling tower, it should be considered air pollution control equipment.

Ref.	Question	Affected Regs	Determ.	Discussion
PSD/93 6/2/79	a) Are the provisions for issuing permits to phased construction projects applicable to source8 with mutually Independent phases?	Preamble	Yes	Example: A power plant with several boilers that will be constructed one at a time.
	b) May a PSD permit be issued to a multi-phased source before each phase has obtained a State permit?		Yes	The regulations do not require that any source obtain State permits before a PSD permit will be issued, except where offsets are required. But in order for a PSD permit to remain valid, a State permit must be issued within 18 months of PSD permit issuance. In the case of phased projects the State permits for each phase must be obtained within 18 months of the date specified in the PSD permit.
	c) Must the plans for each phase of a construction project be well-defined before a PSD permit can be issued?		Yes	

Reference	Question	Affected Regs	Determ.	Discussion
PSD/94 10/23/79	Is a proposed major source or modification, which will emit vinyl chloride, subject to both a LAER review for VOC under the Offset Policy and a DACT review for VC under PSD?	52.21(i) (5')	Yes	Section 165(a) (4) of the Act applies preconstruction requirements to each pollutant regulated under the Act. VOC is regulated for ozone and VC is regulated as a carcinogen. It is possible that BACT for VOC and LAER for VC may require two different levels of control.
PSD/96 12/21/79	Do glass manufacturing plants belong under the chemical processing plant category identified in Section 169 of the Act?	52.21(b)(1)(1)	No	
PSD/98 1/9/80	For sources which are making a fuel switch, is it correct that any available fuel suitable for use in operation may be used to determine "before modification" emissions and any fuel for which the operator is willing to accept enforceable permit conditions may be used to determine "after modification" emissions?	52.21	Yes	<p>Potential emissions of a source before modification should be based on any type of fuel the source was capable of burning. After modification, potential emissions should be based on the the dirtiest type of fuel the source is capable of burning.</p> <p>For both -before and after modification calculations, enforceable permit conditions may limit potential emissions.</p>

Reference	Question	Affected Regs	Determ.	Discussion
PSD/99 1/9/80	Is a plant which produces fiberglass reinforced shower enclosures and bathtubs considered a "glass fiber processing plant"?	51.24(b)(1)(1)	Conditional	If the plant manufactures the fabric from raw fiberglass or its process involves combining fiberglass and polyester resin, it is considered a glass fiber processing plant. Plants which process pre-fabricated fiberglass products would not be included.
PSD/101 1/5/80	Is a major source subject to PSD review if construction commenced after March 19, 1979?	52.21	Yes	<p>A major source would not be subject to PSD review only if:</p> <ol style="list-style-type: none"> <li>1. All final Federal, State, and local preconstruction permits were obtained before March 1, 1978,</li> <li>2. Construction commenced before March 19, 1979, and</li> <li>3. Did not discontinue construction for a period of 18 months or more and construction is (was) completed within a reasonable time.</li> </ol>
PSD/105 4/25/80	Must a reconstructed coke battery which produces no increase in the iron and steel mill's potential to emit SO <sub>2</sub> secure a PSD permit?	52.21	No	A 'reconstruction occurs only when the entire source is reconstructed. In this case the source is an iron and steel mill, not a coke battery.
	Must the reconstructed battery employ DACT?	52.21	No	

REFERENCE	QUESTION	AFFECTED REGS	DETERMINATION	DISCUSSION
PSD/106 4/24/80	Can two independent facilities be considered part of the same source when they are located on adjacent properties and are owned by the same person?	§52.21(b)(1979)	Yes	A source includes all units owned or operated by the same person on contiguous or adjacent properties.
	In this particular case what category would the "source", be included under?	§52.21(b)(1)		All the units at the source fall under the source category "power plant". A proposed power plant and a coal mine are considered all one source, a power plant.  Update with August 7, 1980 Regs: Under the new regulations source is defined as all pollutant emitting activities of the same industrial grouping (same major group under the SIC manual) located on contiguous or adjacent property and under common control. Under this definition, a power plant and coal mine would be two sources. However, the mine emissions would be considered secondary emissions of the power plant.
PSD/109 5/16/80	Can two facilities which are separated by 1.8 miles or pipeline be considered "adjacent" if they are operated as one facility?	Sept. 5, 1979 proposal (44 FR 51924)	Yes	The two facilities are commonly owned and are operated together as a single refinery. They are separated by 1.8 miles and are interconnected by a network of pipelines. The pipelines are used to transport intermediary products from one site to another. Neither site produces finished products by itself. Therefore, evidence supports the two sites should be considered as single source for PSD applicability.  Update August 7, 1980 Regs: Determination remains the same providing the two facilities have the same "Major Group" classification (52.21(b)(6) 8/7/80)
PSD/115 7/7/80	Do modifications of the fuel handling and feed equipment at a generating plant make it subject to PSD review?  The modification is being proposed in order for the facility to achieve its original level of production (production dropped when the facility shifted to a low sulfur coal).	June 19, 1978 (43 FR 26389)	Yes	Potential emissions are limited by the quantity of fuel the source is capable of combusting. The ability of the generating plant to combust additional fuel subsequent to the modification results in increased emissions. Since the generating plant was not capable of accommodating this additional fuel without changes to the fuel handling and feeding equipment, this would represent an increase in the potential to emit. The source would be subject to PSD review if the changes result in an increase of 100 TPY of uncontrolled SO <sub>2</sub> or particulate matter or 10 TPY of controlled emissions. The June '78 regulations would be applied. Update of Aug. 7, 1980 Regulations: Source would be subject to PSD review if the changes result in a significant net increase in emissions, i.e., 40 tons SO <sub>2</sub> , 25 tons PM.

CODE	Date of Response	QUESTION	AFFECTED REGULATION	DETERMINATION	DISCUSSION
PSD-121	1/22/81	Should Ethanol Fuel Plants be classified as chemical process plants for the purposes of PSD applicability?	52.21(b)(6)	Yes	The Agency regards as a minimum, any source listed under Major Group 28 of the Standard Industrial Classification (SIC) manual as a chemical process plant. Ethanol fuel is listed under SIC Major Group 28
PSD-131	July 15, 1981	What is the status of the term ● "federally enforceable" as used in the PSD regulations?	52.21 51.24		On July 7, 1981 EPA issued a temporary stay (90 days) of the PSD rules with regard to the use of the term "federally enforceable". During the period of the stay, the term federally enforceable wherever used in the regulations, will no longer be in effect. In addition, during the course of the stay, EPA will reconsider the issue of federally enforceable requirements and solicit comments on the issue.

CODE	DATE OF RESPONSE	QUESTION	AFFECTED REGULATION	DETERMINATION	DISCUSSION
PSD-137	12/3/82	Is the installation of two stationary gas turbines at the Virgin Island Water & Power Authority's St. Croix and St. Thomas plants subject to PSD review?	52.21(b)(2)	Yes	The turbines will cause a significant increase in PM, SO <sub>2</sub> , NO <sub>x</sub> , HC and CO emissions and will not be restricted by any federally enforceable permit conditions.

Determinations of Applicability

Code	Reference	Question	Affected Regulation	Determination	Discussion
PSD-139	lemo (Reich to Walter) /4/83	A power plant, now burning natural gas (oil standby) may switch to petroluem coke. It would be necessary to install equipment to handle bottom ash. No other changes would have to be made. Is the unit "capable of accommodating" the new fuel? (meaning PSD may not be applicable)	\$52.21(b) (2) (iii) (e)	No	The boilers have never had the physical capability of handling bottom ash, and the design specifications also do not contain any such provisions (therefore, they were not capable of handling the alternate fuel before 1/6/75). Thus, the boilers are not considered capable of accommodating petroleum coke as an alternate fuel.
		In the above case, are there other considerations affecting PSD applicability?	\$52.21(b)(2) (1)	Yes	PSD is applicable if this change would result in a significant net emissions increase at the plant.